



SouthDakota

Legislative Research Council

Rules Review Committee Agenda

Senator Mike Vehle, Chair
Representative Timothy Johns, Vice Chair

Three hundred forty-eighth meeting
Monday
April 20, 2015

Room 413
State Capitol
Pierre, South Dakota

*Agencies are asked to have a representative present at the meeting
to give background information on their rules.*

10:00 a.m. CT Call to order, roll call, approval of minutes, and staff report
9:00 a.m. MT

Review of proposed rules

Senator Vehle

Department of Agriculture: Division of Ag Development – Amend Value Added Agribusiness Relending Program rules to enhance the definition of "Rural Area" and to increase the loan amount as a percent of total project costs.

Department of Agriculture: SD Weed and Pest Control Commission – Amend a rule to add Japanese beetle and tarragon to the local noxious weed and declared pest list.

Department of Game, Fish and Parks – Amend a rule to allow dogs to be used to hunt mountain lions year round in all areas of the state located outside of the Black Hills Fire Protection District.

Department of Game, Fish and Parks – Amend a Use of Parks and Public Lands rule to expand the area within North Point Recreation Area in Charles Mix County that is restricted to shot shell and archery hunting to include the area situated west of 382nd Avenue and north of 297th Street, and situated south of 297th Street and west of Prairie Dog Bay; amend a Public Water Zoning rule to amend the existing "no wake zone" and designate a "public swimming zone" at Rocky Point Recreation Area on the Belle Fourche Reservoir in Butte County; amend a Refuges rule to eliminate the Cottonwood Lake State Waterfowl Refuge in Sully County; and amend Aquatic Nuisance Species rules to change all references in current rule from "aquatic nuisance species" to "aquatic invasive species", add "Common Reed, Phragmites australis" to the list of invasive plants, allow law enforcement officers to require the removal of vegetation and all aquatic invasive species from a boat, and to require that all drain plugs and related devices be opened or removed from all boats when being transported with exceptions for emergency

response boats and vehicles and other boats while on lands owned, leased, controlled, or managed by the department or other government entities adjacent to the water, authorize the department secretary to declare a waterbody an aquatic invasive species containment water, describe the conditions that would necessitate this action, and outline department responsibilities, and prohibit the transportation of fish and aquatic bait in water away from any aquatic invasive species containment water body except when on lands owned, leased, controlled, or managed by the department or other government entities, and allow no more than five gallons of vegetation-free water to be possessed for transport of bait and fish away from water bodies not designated as aquatic invasive species containment waters.

Department of Game, Fish and Parks – Amend a Hunting Requirements and Prohibited Methods rule to clarify that the 20 person limit on those who are engaged in party hunting only includes those persons in the party who are carrying a firearm, crossbow or bow and arrow; amend Black Hills Elk Hunting Season rules to adjust the number of licenses available for "any elk" and "antlerless elk"; allocate a pool of "antlerless elk" contingency licenses, up to 20% of antlerless elk licenses available from all Black Hills hunting units, which would be issued by GFP Commission resolution in August if summer range conditions dictate the use of contingency licenses; and repeal Unit BHE-ZZ1; amend a Custer State Park Elk Hunting Season (Any Elk) rule to adjust the number of licenses available for "any elk" and repeal Unit CUE-ZZ1; amend Mountain Goat Hunting Season rules to offer 2 "any mountain goat" licenses and change the season dates from the first Saturday of October to October 31, to September 1 to December 31; amend an Archery Elk Hunting Season rule to adjust the number of licenses available for "any elk" and "antlerless elk" and repeal Unit AEE-ZZ1; amend a Prairie Elk Hunting Season rule to adjust the number of licenses available for "any elk" and "antlerless elk"; no licenses would be issued for Unit 30A (portions of Gregory County); add that portion of Jackson County south of Highway 44 and BIA Highway 2 to Unit 11A, B, C, and D; adjust the season dates for Unit 11C from the second Sunday of October to December 31, to the second Sunday of October to November 30; and repeal Unit PRE-ZZ1; and amend a Custer State Park Non-Trophy Bison Harvest rule to change the season length and season dates from 49 days beginning the first Saturday in October to 47 days beginning the 4th Monday in January.

Department of Transportation – Amend a Speed Zone rule to change a reference to SD Highway 264 to Aspen Boulevard in two limited speed zone segments on SD Highway 11 in Brandon.

Department of Transportation – Amend a Speed Limits rule in Grant County to extend a 45 mph limited speed zone on U.S. Highway 12 on the east side of Milbank an additional 0.60 mile east past the new Runnings store.

Senator Bradford

Department of Revenue: Division of Business Tax – Amend rules to clarify the definition of the term "receive," source attorney services at the office of the attorney who is performing such services, and clarify the taxability of nonresident attorney services used in South Dakota.

Department of Revenue: SD Commission on Gaming – Amend Gaming rules to add a free bonus feature to Buster Blackjack; clarify the rules of the game of War blackjack; provide for consistency among progressive games for Three-card poker, Let it ride and let it ride bonus including three card bonus optional side bet or progressive optional side bet, Caribbean stud poker, Four-Card poker, Texas Hold'em Bonus poker, Mississippi Stud, and Ultimate Texas Hold'em; and add an optional four card bet to Silverado Stud poker.

Representative Gibson

Department of Environment and Natural Resources: Board of Water and Natural Resources – Amend Consolidated water facilities construction program rules to increase the amount in the definition of "Minimum established rates" for water and wastewater users in an incorporated municipality or sanitary district, remove application restrictions that prohibit a project from including preliminary design costs in the total project cost, remove the requirements of applications to include the status of permits, required lands, easements and right of way, and provide a time length for the applicant to correct the identified deficiencies; amend State water pollution control revolving fund program rules to update the definition of "Act", revise the definition of "Interim financing" from three years to five years, establish a definition for "Median household income" and source for that information, increase the amount in the definition of "Minimum established rates" for wastewater users in an incorporated municipality or sanitary district, establish a definition for "Unemployment rate" and the source for that information, revise the definition of "wastewater treatment works", repeal the "Green infrastructure priority points" section and remove references to this section, revise the criteria for principal forgiveness eligibility, establish affordability criteria to receive principal forgiveness, revise required information to be submitted as part of the application for funding, add a section reference, and extend the duration of assistance for interim financing to five years and minor grammatical changes; amend Solid waste management programs rules to change the requirements of documents that must be submitted as a part of the application, provide a time length for the applicant to correct the identified deficiencies, and repeal a duplicate section; and amend Drinking water state revolving fund program rules to update the definition of "Act", increase the amount in the definition of "Disadvantaged community" for water users in an incorporated municipality or sanitary district, revise the definition of "Interim financing" from three years to five years, update the definition for "Median household income" and the source for that information, increase the amount in the definition of "Minimum established rates" for water users in an incorporated municipality or sanitary district, repeal the "Green infrastructure priority points" section, and remove references to this section, adjust the affordability priority point criteria, revise required information to be submitted as part of the application for funding, and extend the duration of assistance for interim financing to five years, and provide for financing to increase from 20 years to up to 30 years as permitted by the Act.

Senator Heineman

Secretary of State: Board of Finance – Amend rules to increase the allowance for use of a privately owned vehicle, airplane rates, and per diem rates (out-of-country, out-of-state and in-state); increase the allowance for use of a privately owned vehicle and the lodging

reimbursement for individuals with special needs; remove the evening supper allowance; increase the per diem rate for use of a private trailer house; and amend what is included in registration expense.

Representative Hunhoff

Department of Health: Board of Medical and Osteopathic Examiners – Adopt rules to establish what constitutes a conflict of interest and a potential conflict of interest related to hearings held by the board; establish best practices related to prescribing controlled substances; and add a code of ethics to existing rules.

1:30 p.m. Adjourn

* Breaks will be at the call of the chair.

NOTE: A copy of the proposed rules being reviewed at the meeting may be obtained without charge by contacting the department, board, or commission. Copies may also be available at <https://rules.sd.gov/default.aspx>.

Members: Senator Mike Vehle (Chair); Representative Timothy Johns (Vice Chair); Senators Jim Bradford and Phyllis Heineman; and Representatives Peggy Gibson and Jean Hunhoff.

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